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RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1800



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: the application of: Karsten HENCO, et al.

Serial No.: 08/157,195

Group Art Unit: 1807

Filed: December 8, 1993

Examiner: P. Tran

Title: PROCESS FOR THE DETERMINATION OF IN VITRO AMPLIFIED NUCLEIC ACIDS

FOURTH AMENDMENT AFTER FINAL REJECTION

7/1/98 Assistant Commissioner of Patents
B. Deveraux Washington, D.C. 20231
7/14/98

Sir:

The present amendment is submitted, concurrently, with the brief on appeal, in order to reduce the issues on appeal.

IN THE CLAIMS:

In claim 75 (amended), line 2, change "homogenous phase" to --free solution--.

R E M A R K S

Claim 75 was rejected under 35 USC §112, first paragraph, for allegedly lacking descriptive support in the specification for the phrase "homogenous phase". The amendment submitted January 14, 1997, which was entered pursuant to the advisory action mailed February 3, 1997, replaced the word "homogenous phase" with --free solution-- in line 4 of claim 75; but, inadvertently neglected to make the same change